

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DANIEL HNATIUK, JR.,

Petitioner,

Case Number: 06-CV-13880

v.

Honorable Patrick J. Duggan

JAN E. TROMBLEY,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION TO SUPPLEMENT AND
AMEND HIS BRIEF IN SUPPORT OF WRIT OF HABEAS CORPUS PETITION**

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on December 5, 2006.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Petitioner, Daniel Hnatiuk, Jr., a state inmate currently incarcerated at the Saginaw Correctional Facility in Freeland, Michigan, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In his petition, filed on August 31, 2006, Petitioner asserts that he is being held in violation of his constitutional rights. The Court has ordered Respondent to file a response to the petition by March 9, 2007. Now before the Court is Petitioner's motion to supplement and amend his brief in support of his writ of habeas corpus petition, filed on November 27, 2006. Petitioner requests that the Court permit him to supplement and amend his brief by adding the affidavit of Norman Hnatiuk,

which he did not obtain until October 16, 2006.

Federal Rule of Civil Procedure 15 permits a party to amend a pleading before a responsive pleading is filed. FED. R. CIV. P. 15. Respondent's response is not due until March 9, 2007, and no response has been filed as of this date. Therefore, the Court will permit Petitioner to supplement his brief and deems filed, as an attachment to his brief, the affidavit attached to Petitioner's motion.

Accordingly,

IT IS ORDERED, that Petitioner's motion to supplement and amend his brief in support of his writ of habeas corpus petition is **GRANTED**, and the affidavit attached to Petitioner's motion is deemed filed as an attachment to his brief in support of his petition.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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B. Eric Restuccia